

DATE 8-31-07

APPLICATION NUMBER 09/980,676

DOC CODE PET DEC

DOC DATE 9-4-07

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9-4-07

In re Application of: Kenneth George Brash  
Application No. 09/980,676  
Filed: May 9, 2002  
For: FUMIGATION APPARATUS

caf

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: DECISION ON  
: PETITION  
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This is a decision on the PETITION TO RESET DUE DATE filed on August 9, 2007.

On April 9, 2007, a restriction requirement was mailed to Applicant. A one month shortened statutory period was set in the restriction requirement.

Applicant has stated that the restriction requirement was not received. On August 9, 2007, the instant petition was filed to formally request that the time period set in the April 27, 2007 office action be reset. A response to the restriction requirement was filed with the petition.

**DECISION**

Petitioner has included with the instant petition, docketing records showing that the April 9, 2007 office action was never received. The showing is sufficient. Accordingly, the petition for setting a new period for reply is **GRANTED**.

Since the response to the restriction requirement has been submitted, the office action will not be re-mailed and the response will be considered timely. The application will be forwarded to the examiner for consideration of the response to the restriction requirement filed with the petition on August 9, 2007.

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